

Appl. No. 09/895,692  
Amdt. Dated 12/02/2004  
Reply to Office action of 9/8/2004

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed September 8, 2004. In the Office Action, claims 1-39 were rejected under 35 U.S.C. §103(a). Applicants respectfully traverse the rejection and request reconsideration and withdraw of the §103(a) rejection in light of the amendments and remarks made herein.

#### ***Rejection Under 35 U.S.C. § 103***

##### **A. §103 REJECTION OF CLAIMS 1-14**

Claims 1-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCrorry (U.S. Patent No. 6,640,289) in view of Baumgartner (U.S. Patent No. 6,344,177). Applicants respectfully traverse the rejection. However, claims 1-14 have been cancelled without prejudice so no further discussion of this §103(a) rejection is warranted at this time. Withdrawal of this rejection is respectfully requested.

##### **B. §103 REJECTION OF CLAIMS 15-39**

Claims 15-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over McCrorry in view of Dove (U.S. Patent No. 5,938,765). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the combination of prior art references must teach or suggest all of the claim limitations. *See MPEP §2143, p.2100, 124 (8<sup>th</sup> Ed., rev.1, Feb 2003); see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988)*. Herein, the first and third criterions have not been established. For simplicity, however, we shall focus on the lack of establishing the third criterion.

With respect to independent claims 15, 28, 34 and 37, the Office Action states that McCrorry "do[es] not specifically disclose each of the processor substrate containing a BIOS to

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initialize the plurality of components in response to hot-plug addition of the processor substrate.”  
*See Page 7 of the Office Action.* Applicants agree that McCrory offers no such disclosure nor does McCrory disclose a second initialization BIOS to “initialize the second plurality of components *in response to hot-plug addition of the second processor substrate* to the platform.” Emphasis added. However, Applicants disagree with the Office Action that Dove provides any disclosure of BIOS initialization in response to hot-plug addition of a substrate.

With respect to claim 15, it is noted that the Office Action is devoid of any statements or arguments as to how Dove teaches a BIOS to initialize the plurality of components *in response to hot-plug addition of the processor substrate*. Emphasis added. Rather, the Examiner identifies that column 6, line 6 through column 7, line 23 of Dove “disclose[s] the multinode system utiliz[ing] the standard BIOS in each node to initialize the plurality of component[s] within the node.” *See page 7, paragraph 1 of the Office Action.* Column 6, line 6 through column 7, line 23 of Dove is directed to a memory map and does not disclose or suggest initialization components in response to hot-plug addition.

Similarly, with respect to independent claim 28, Applicants respectfully submit that neither McCrory nor Dove, alone or in combination, disclose or suggest the following: a [first/second] processor substrate including a [first/second] plurality of components and a [first/second] storage device to contain a first code segment of *Basic Input/Output System (BIOS)* that, when executed, initializing the first plurality of components in response to hot-plug addition of the [first/second] processor substrate to the platform. Emphasis added. Dove teaches a memory map having memory regions (52, 54, 56, 58), which are a result of an additional initialization routine that is run after the standard BIOS. Such teaching, however, do not constitute a processor substrate including a BIOS code segment that *initializes components in response to hot-plug addition of the processor substrate*. Emphasis added.

With respect to independent claim 34, neither McCrory nor Dove, alone or in combination, disclose “circuitry to support dynamic partitioning of the *platform by signaling the operating system of a hot-plug removal of the second server I/O hub* and the second plurality of components to cause the operating system to configure the first scalability port switch and the

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second scalability port switch so as to partition the platform into a first platform including the first plurality of components and the first server I/O hub and a second platform including the second plurality of components and the second server I/O hub.” Emphasis added.

Lastly, respect to independent claim 37, neither McCrory nor Dove, alone or in combination, disclose “implementing a portion of a Basic Input/Output Subsystem (BIOS) on the first processor substrate to initialize components on the first processor substrate *in response to hot-plug addition of the first processor substrate* before joining the running operating system.” Emphasis added. Dove teaches a memory map having memory regions (52, 54, 56, 58), which are a result of an additional initialization routine that is run *after* the standard BIOS. Such teaching, however, do not constitute a BIOS that *initializes components on the first processor substrate in response to hot-plug addition of the first processor substrate....* Emphasis added.

Therefore, Applicants respectfully submit that neither McCrory nor Dove, alone or in combination, disclose or suggest the above-identified limitations set forth in independent claims 15, 28, 34 and 37 as well as each and every limitation set forth in the claims dependent thereon. Withdrawal of the outstanding §103(a) rejection is respectfully requested.

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### Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 15-39 define the subject invention over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned at the telephone number listed below if such contact would facilitate the examination of the subject application.

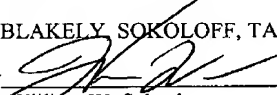
To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.17 is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 12/02/2004

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